



# The Town of Fenwick Island

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800 Coastal Highway  
Fenwick Island DE 19944  
302.539.3011 \* Fax: 302.539.1305

[www.fenwickisland.delaware.gov](http://www.fenwickisland.delaware.gov)

## **Regular Meeting of the Town Council**

### **The Town of Fenwick Island**

**July 24, 2009 @3:30 PM**

#### **AGENDA**

1. Flag Salute and Call to Order
2. Topics for Discussion and Possible Action
  - a. Recycling Contract Award – Town Manager
  - b. Request by Fenwick Island Lions Club to Sell Refreshments at Old Fenwick Island Days Festival (8/8) – Town Manager
  - c. Lighthouse Cove – Marina Permit Application
  - d. Request for Travel Expenses for Fenwick Island Lifeguard Patrol – Council Member Smallwood
  - e. Town Safety - Councilwoman Carmean & Residents
3. Approval of Minutes from June 26, 2009 Regular Council Meeting.
4. Treasurer's Report: Gardner Bunting
5. Town Manager's Report – Win Abbott
6. Department Reports: Beach, Building, Public Works and Police Department
7. Committee Reports: Beach, Environmental
8. Planning Commission: Winnie Lewis
9. Charter and Ordinance: Bill Weistling
  - a. Proposed First Reading Chapter 160 Zoning – Small Wind Energy System
  - b. Proposed First Reading Chapter 73 Burning, Outdoor – Bonfire Fee and Penalty
  - c. Proposed First Reading Charter §15 – Vacancies and Forfeitures (Town Council)
10. Old Business
11. Public participation
12. President's Report
  - a. Service Award: Agnes DiPietrantonio (5 years)
13. Upcoming Events and Meetings
  - a. August 1 & 15 – Story Hour 10 AM
  - b. August 1-8 Old Fenwick Island Days
  - c. August 11 – Charter & Ordinance 9:30 AM
  - d. August 12 – Environmental Committee 3:00 PM
  - e. August 28 – Public Hearing Chapter 160 Zoning – Small Wind Energy System 3:00 PM
  - f. August 28 – Regular Council 3:30 PM
14. Adjournment

*This agenda is subject to change to include the deletion of items and the addition of items, including Executive Sessions, which arise at the time of the meeting.*

*Posted: July 14, 2009; July 15, 2009 add 8/28 Public Hearing to Upcoming Events & Meetings; July 16, 2009 add item (b), (c) and (d) for Discussion and Possible Action; July 17, 2009 Additional item for Discussion and Possible Action.*

Mill Pond Acres, Lewes, Sussex County, DE.

Subaqueous Lands/Water Quality Certification/Wetlands Applications

1. U.S. Army Corps of Engineers - To impact 22,950 square feet of State Regulated Wetlands in order to repair the Reedy Point jetty by placing 555 cubic yards of fill for a temporary access road, excavating 14,000 cubic yards of material for installation of a marine mattress, backfilling 381 cubic yards of material, placing 1,720 cubic yards of stone rip-rap fill for 1,476 linear feet of toe protection and restoring 8,700 square feet of Tidal Wetlands in the Delaware River at the entrance to the Chesapeake and Delaware Canal, Reedy Point, Delaware City, New Castle County, Delaware.

Subaqueous Lands/Wetlands Applications

1. Delaware Transit Corporation - To impact .35 acres of State Regulated Wetlands and .2 acres of waters in order to repair a railroad bridge and stabilize 260 linear feet of stream using 5,235 square feet of riprap and 2,792 square feet of articulate concrete block, in Little Mill Creek, on the railroad bridge located west of Interstate 95, in Wilmington, New Castle County, Delaware.

Marina Permit Application

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1. Lighthouse View Condominium Association - To construct a minor 24-slip marina consisting of 12-4 by 20 foot finger piers and 26 freestanding pilings in Lighthouse Cove, Little Assawoman Bay, at Beacon Drive, Fenwick Island, Sussex County, DE.

Wetlands Applications

1. Delaware Coastal Programs - To install 6 Sediment Elevation Table monitoring devices in State Regulated Wetlands adjacent to the Rehoboth Bay and Indian River Bay and 8 water level recorders in State Regulated Wetlands in the Little Creek, St. Jones River and Blackbird Creek watersheds, throughout DE.

Denise J. Rawding  
Wetlands and Subaqueous Lands Section  
89 Kings Highway  
Dover, DE 19901  
(302) 739-9943 FAX (302) 739-6304

A public hearing on the above applications will NOT be held unless the Secretary of DNREC determines that a hearing is in the public interest or if a written meritorious objection to the application is received within 20 days from this notice. Please indicate in your letter whether your intention is to request a public hearing or whether you are simply providing comments for the Department's consideration. If a public hearing is desired, please be advised that a public hearing request is deemed meritorious if it exhibits a familiarity with the application and provides a reasoned statement of the project's probable impact.

**PUBLICATION INSTRUCTIONS:**

PLEASE PUBLISH AS A 2-COLUMN DISPLAY AD IN THE FOLLOWING:

DELAWARE STATE NEWS - Wednesday, July 15, 2009

NEWS JOURNAL - Wednesday, July 15, 2009

BILLING INFORMATION: 080802

DNREC, DWR, Denise Rawding

89 KINGS HIGHWAY

DOVER, DE 19901 302-739-9943

# Minutes of the June 26, 2009 Regular Council Meeting

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## DRAFT

Call to Order and Flag Salute at 3:32 pm by Mayor Serio.

Council in Attendance: Weistling, Bunting, Serio, Clark, Carmean, Tingle and Smallwood.

### Topics for Discussion and Possible Action:

- a. Recycling Contract Award – Win Abbott, Town Manager  
Mr. Abbott reported that Allied Waste has been contacted and will provide a response and necessary papers toward acceptance of the contract. Mr. Abbott will report back at the July 24, 2009 Regular Council Meeting.

- b. Second Annual Comprehensive Plan Report to the State of Delaware - Council Member Clark  
Motion to approve the report and ask Mayor Serio to sign off before forwarding to the State – Council Member Clark  
Second: Council Member Bunting

DISCUSSION: Council Member Carmean noted that the form of the report appears adequate but that she believes some items have been omitted. Mrs. Carmean will discuss this with the Planning Commission at some time in the future.

Vote to accept the report as presented: All in Favor  
Motion carried (7-0)

- c. Request from Beach Committee for Hot Dog and Beverage Stand at Town Bonfire July 5 – Becca McWilliams  
Motion to allow concession stand on the beach for the Lifeguard Bonfire – Council Member Clark  
Second – Council Member Smallwood

DISCUSSION: Mrs. McWilliams reported that Kim Allison will sell either hot dogs or snow cones. Todd Smallwood advised that Harris Teeter has donated 20 cases of water as well.

Vote to allow a concession stand on the beach for the Lifeguard Bonfire: All in Favor  
Motion carried (7-0)

- d. Request for Annual Block Party August 15, 2009 – Hans Banziger  
Town Manager Abbott presented a request by Mr. Banziger to hold a block party on the east end of King Street from 6 PM to 10 PM. It will require closing parking on the beach end to allow attendees to set up. It will be open to the public and there is no cost to the town or to the public.

Motion to approve the block party on King Street as requested – Council Member Clark  
Second – Council Member Bunting

DISCUSSION: Council Member Carmean noted that the previous year's party was well attended and did not present any noise problems.

Vote to allow a block party on King Street August 15, 2009: All in Favor  
Motion carried (7-0)



## Minutes of the June 26, 2009 Regular Council Meeting

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e. Resolution #36-2009 Emergency 911 Re-addressing – Town Manager

Town Manager Abbott presented the resolution for reassignment of numbers for several properties for 911 emergency purposes.

Motion to accept Resolution #36-2009 Emergency 911 Re-addressing - Council Member Carmean  
Second – Council Member Bunting

DISCUSSION: Council Member Weistling questioned property owner response to the proposal. Town Manager Abbott responded that property owners have encouraged the town to move along with the measure. Council Member Bunting asked if this concerned property address numbers only; Town Manager advised that it is just the renumbering and that the change of street names will be addressed separately.

Vote to accept Resolution #36-2009 Emergency 911 Re-addressing: All in Favor  
Motion carried (7-0)

f. 2009-2010 Budget Proposal – Town Manager

Town Manager Abbott read the recommendations of the Budget Committee for the 2009-2010 Budget.

Motion to accept the Town Budget as recommended by the Budget Committee – Council Member Clark  
Second – Council Member Carmean

DISCUSSION: Council Member Smallwood questioned if it is possible to obtain one large recycling bin for the condos as opposed to 24 individual bins. Mayor Serio advised that it is her understanding that may be the case and that it should be researched. Council Members Weistling and Bunting agreed that this budget was difficult; Council Member Smallwood advised that he felt that the town will see savings in the ensuing months. Mayor Serio thanked all who participated including three members of the public whose experience and background in accounting, banking and business added depth to the discussions. Council Member Carmean noted that some difficult cuts were made but other items such as Hurricane Preparedness have been added.

Vote to accept the 2009-2010 Budget Proposal: All in Favor  
Motion carried (7-0)

g. Resolution #37-2009 Special Event Permit – Town Manager

Motion to accept Resolution #37-2009 Special Event Permit – Council Member Tingle  
Second – Council Member Bunting

DISCUSSION: Council Member Weistling suggested removal of all reference to specific fee amounts from the resolution. These fees should be placed in the fee schedule.

Motion to accept Resolution #37-2009 Special Event Permit with specific fee amounts removed – Council Member Carmean  
Second – Council Member Bunting

Vote to accept the resolution with the noted change: All in Favor  
Motion carried (7-0)

## Minutes of the June 26, 2009 Regular Council Meeting

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h. Resolution #38-2009 Fee Schedule – Town Manager

Town Manager Abbott made note of the following change: Bonfire fees are set by ordinance and cannot be changed without an ordinance change; therefore, the suggested fees should revert to those currently in effect by ordinance. Mayor Serio noted the changes to the fee schedule addressed by the discussion of Resolution #27-2009. Motion to accept Resolution #38-2009 as written with the addition of fees from Resolution #37-2009 and leaving unchanged "Other Fees" item #1 Bonfire Fees – Council Member Tingle  
Second – Council Member Carmean

DISCUSSION: Council Member Weistling advised that the Charter and Ordinance Committee will review the current ordinance regarding Bonfires and fees and address changes in the normal manner.

Vote to accept Resolution #38-2009 Fee Schedule with the addition of fees from Resolution #37-2009 Special Event Permit and leaving Bonfire Fees "Other Item #1" as written (no increase): All in Favor  
Motion carried (7-0)

i. Proposal to Renew Pitney Bowes Postage Meter Contract – Town Manager

Town Manager Abbott requested Council appropriate \$164 month (paid quarterly) to total \$1968 for the Pitney Bowes Postage Meter currently in use at Town Hall.

Motion to accept the proposal to renew the Pitney Bowes Postage Meter contract – Council Member Tingle  
Second – Council Member Carmean

DISCUSSION: Town Manager Abbott advised that the current budget does not allow for this expenditure.

Vote to accept the proposal to renew the Pitney Bowes Postage Meter Contract: All Opposed  
Motion denied (0-7)

**Approval of Minutes:**

Motion to Approve the Minutes of May 29, 2009 Meeting: Council Member Carmean  
Second: Council Member Bunting

DISCUSSION: Council Member Carmean requested that a copy of the letter sent by Council and the final resolution of the Environmental Committee be substituted in the May 29, 2009 minutes.

Vote to approve minutes with the noted change in attachments: All in favor  
Motion carried (7-0)

**Treasurer's Report:**

Council Member Bunting presented Treasurer's Report.  
Motion to Accept the Treasurer's Report: Council Member Tingle  
Second: Council Member Clark

NO DISCUSSION:

Vote to accept the Treasurer's Report as presented: All in favor  
Motion carried (7-0)



# Minutes of the June 26, 2009 Regular Council Meeting

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## **Town Manager Report:**

- Town Manager, Win Abbott, reported that the Town received a Thank You note from the family of Webb Stevens commending CPL Robert Beckage for his outstanding service
- Mr. Abbott advised that the town has been awarded a \$15,900 grant to retro-fit the sign at town hall. The process will take a couple of months
- Two of the three streets which require name changes have been addressed; the remaining street name will be addressed before Labor Day.
- Property appraisals have been completed. Those with increased assessments will be notified in writing. Tax bills should be ready in mid-July for distribution.
- DSWA reported it collected 20,600# of recyclable materials in 554 pickups for the month of May.

## **Department Reports:**

- Beach Patrol - Tim Ferry reported the town has hired eight new guards. All guards are well above the town's standards for the position. The FIBP affected roughly 25-30 rescues in the past two weeks. There has been a strong response to the Junior Lifeguard Program. Beach patrol competition season has begun with the most recent competition being halted before complete due to weather.
- Building Official – Building Official Pat Schuchman noted that her report is included in the meeting booklet. Mrs. Schuchman attended a conference co-sponsored by DNREC and FEMA regarding the National Flood Insurance Program. Rates for coverage will increase 10% in October 2009. Elevation certificates will show more detail as a result of recent changes.
- Public Works: Mr. Abbott noted that the report is included in the meeting booklet.
- Fenwick Island Police Department: Chief Boyden noted that the report is included in the meeting booklet. The Town will have increased police coverage during the July 4<sup>th</sup> holiday weekend; State funding has been secured for this purpose. On July 10, 2009 FIPD will host a Pedestrian Safety Program held at the Town park (8-10AM). This event is co-sponsored by the University of Delaware and Delaware Office of Highway Safety.

## **Committee Reports:**

- Beach Committee –Becca McWilliams thanked Council for allowing the committee to hold the bonfire again this year. T-shirts will be on sale at the bonfire and town hall. T-shirts were donated by Craig Pfeifer and proceeds are to assist the FIBP with competition expenses.
- Environmental Committee - Council Member Carmean has been exploring ways to improve the environment around town, including a rain garden. Town Manager Abbott reported that the Center for Inland Bays has identified a location for a demonstration rain garden but must first do hydrologic testing before taking any action. Mrs. Carmean noted that Chantal Bouchard presented information on plantings for coastal communities at a recent meeting. The group will continue presentations at their meetings. Next meeting is Wednesday July 9, 2009 at 7PM; this is not the usual 2PM meeting time because the committee is interested in engaging more members of the public and hope that an evening meeting might be more conducive to greater attendance.

## **Planning Commission:**

Council Member Clark reported for Winnie Lewis. Report included in booklet. Old Fenwick Island Days preparations are being finalized.

## **Charter & Ordinance:**

- Council Member Weistling motioned to accept a First Reading of Chapter 127-7H Sanitation (copy attached to this report)  
Council Member Carmean seconded.

# Minutes of the June 26, 2009 Regular Council Meeting

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## DISCUSSION

Council Member Weistling reported that this change began several months ago and was considered primarily for new construction but has evolved to include all of the commercial area. It is intended to shield the dumpsters from the public and to maintain the trash in an enclosed area. Council Member Carmean attempted a motion to table the reading. Council Member Weistling requested that council discuss the matter before tabling. Council Member Smallwood wanted to wait to clarify several points that were not evident when the revision was written. Council Member Tingle requested more research before proceeding. Council Member Bunting related that most of the comments that he has heard regarding the change have been negative and agreed that this needs more work. Mayor Serio suggested that input from the commercial community be sought.

Council Member Weistling agreed that, while ordinances can be appealed to the Board of Adjustments, the change should be correctly stated from the beginning. Mr. Weistling recommended a modification to the current proposal to specify that it applies to new construction. Council Member Carmean disagreed that the modification should be made at this time; this should return to Charter & Ordinance for further refinement. Mayor Serio agreed with Mr. Weistling that it should apply to new business only. Council Member Tingle agreed that there appears to be logistical problems concerning the emptying of the dumpsters and that, in today's economy, it could be a burdensome expense for business. Council Member Clark noted that the recent overlay district workshop was spear-headed by the commercial community's desire to see improvements. Vegetation could be an option for screening and he strongly encouraged Council to look at the overall commercial district via an overlay district rather than piecemeal. Mayor Serio would like the commercial community to become more involved. Council Member Clark asked that meetings and discussions be held in a more expeditious manner so that the commercial representative would not be sitting in long meetings. Council Member Weistling offered that there is no community on the coast that requires screening.

## PUBLIC PARTICIPATION

- Betsy Mitchell (Fenwick Shopping Center) and Peggy Steele – commended the Town for its beautification progress. Ms. Mitchell has contacted three dumpster companies for opinions on enclosing dumpsters. For the most part, the companies believe that it would take longer to empty trash and that trash that falls will not be picked up since it is screened from view. This could cause odors and invite animals to the area. Ms. Mitchell contacted fencing companies about a vinyl product for screening. The response indicated that the fencing could not be built large enough to accommodate a gate with swing room; a fence gate is not guaranteed beyond 12 months. Ms. Mitchell further learned that tall dumpsters of greater 4' have a side entry but much space is needed in order to access it.
- Terry Schramm (Fenwick Towne Village) – questioned if this ordinance would pertain to their condo group. She is not in favor of the change.
- Jeff Mumford (Warren's Station) – agreed that there is a time factor involved in emptying a screened dumpster not just by the hauling company but also by the staff who must use it. Sanitation would become a greater problem as all exposed trash must be cleaned up. The cost could be prohibitive. Mr. Mumford suggested possibly screening the rear of the dumpster area with trees/vegetation.
- Mayor Serio – advised that she has had a conversation with business owner, Tony Balea (Ocean Bay Plaza), and related his desire to work out a simplified solution. Mayor Serio acknowledged an email sent to her by Scott Fornwalt (Fenwick Crabhouse) that basically agreed with the opinions presented by Betsy Mitchell. Mr. Fornwalt opposes a 6' fence and the economic burden that screening will cause. A copy of Mr. Fornwalt's email is attached at the end of this document.
- Shelly Roberts (Village of Fenwick) – advised that restaurant trash is a problem and could be even worse if in an enclosed area.
- Ben Waide (2 W Dagsboro St) – suggested that if a representative of the commercial community had been present at the C&O meetings this issue would not have gotten this far.



# Minutes of the June 26, 2009 Regular Council Meeting

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Vote to accept the First Reading of Chapter 127-7H Sanitation: All Opposed  
Motion denied (0-7)

- Council Member Weistling motioned to accept a Second Reading for Chapter 13 §13-5 Candidates  
Council Member Clark seconded

## DISCUSSION:

Council Member Weistling advised that this change is being made in order to make deadlines/dates uniform between the Charter and Town Ordinance. Copy attached at the end of these minutes.

Vote to accept the Second Reading Chapter 13 §13-5 Candidates:

Smallwood – yes; Carmean – yes; Bunting – yes; Clark – yes; Tingle – yes; Weistling – yes; Serio – yes.  
Motion Passed (7-0)

- Council Member Weistling advised that the next C&O meeting is July 7 @ 9:30 am. The Committee is engaged in a comprehensive review of all ordinances. They also will discuss wind turbines and vacancies/forfeitures as they pertain to council.

## Old Business:

- Jeff Mumford (Warren's Station) – advised that he is in discussions with an alternative energy contractor to construct a wind turbine for his restaurant. Council Member Weistling advised that the first reading being discussed at C&O will address pole mounted turbines as they have not been able to get sufficient information on other forms. Mr. Mumford said that the contractor with whom he is dealing has proposed 20 turbines for the top of his building. Each turbine will be as tall as a man with the width of an eagle's wing span. It will have the noise level of an air conditioning unit. Chris Clark advised there is nothing now in town ordinance to prohibit it. David Whedon (1710 Bunting Ave) advised that the concept was tried on Nantucket Island but that they have since abandoned the effort as expensive to maintain.

## Public Participation:

- Paul Buerhle (4 W Dagsboro St) – reminded Council of the FISH Annual meeting July 11, 2009 from 9AM – noon. This is the "Meet the Candidates" meeting. Mr. Buerhle also asked that Council investigate the cancellation of the general election this year. Mr. Buerhle questioned the Board of Election's authority and advised that he has been advised by an attorney who is willing to challenge the Board of Election's decision. Mayor Serio advised that all town election procedures have been updated to meet the State of Delaware requirements and that Mr. Buerhle should contact the State of Delaware with his questions. Council Member Smallwood asked Mr. Buerhle for his suggestions; Mr. Buerhle wants an election with the four candidates to fill the four open seats to be held on August 1, 2009. Mayor Serio asked Mr. Buerhle to put his request in writing and she will forward it to the Town Attorney Tempe Steene.
- Martha Keller (1312 Bora Bora St) – advised that council at one time removed fees from ordinances but when it came time to enforce the fees, the town was not able to do so as they were no longer stated in an ordinance. Mayor Serio advised that the Town Attorney has approved the removal of fees from ordinances. Mrs. Keller also noted that there are budget cuts but no cuts in services. Mayor Serio said that is correct.

## President's Report:

- Mayor Serio noted that the general election has been cancelled.
- Mayor Serio made note of upcoming meetings and events.
- Mayor Serio made note of the passing of Jack Childers



## Minutes of the June 26, 2009 Regular Council Meeting

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Motion to Adjourn: Council Member Carmean  
Second: Council Member Bunting  
Vote: All in favor  
Motion passed (7-0)  
Mayor Serio adjourned the meeting at 5:00 PM.

Respectfully submitted,

Diane Tingle, Secretary  
Recorded and Transcribed by Agnes DiPietrantonio, Town Clerk



## THE TOWN OF FENWICK ISLAND

COPY

800 Coastal Highway / Fenwick Island, DE 19944 / 302-539-3011 / Fax: 302-539-1305  
fenwickisland19944@fenwickisland.org

Town of Fenwick Island  
Attn: Council and Budget Committee  
800 Coastal Highway  
Fenwick Island, DE 19944

This correspondence comes to you as a request for appropriation for the fiscal year August 1, 2009 through July 31, 2010.

The Administrative Services department makes use of a Pitney Bowes postage meter. This equipment is leased from Pitney Bowes, Incorporated (lease #3835577) at a rate of \$164 per month, paid quarterly.

Your consideration with regard to appropriating \$1,968 over the next fiscal year for this purpose is appreciated.

Thank you.

Wilmer Abbott  
Town Manager

Motion made to appropriate said funds for the purposes stated above made by:

Diane Tingle

Seconded by: Vicki Carmean

Vote to appropriate funds:

0 Ayes

7 Nays

At a regularly scheduled Town Council meeting on June 26, 2009, the Fenwick Island Town Council voted to

Approve

Deny

the appropriation.

Audrey Serio  
Mayor Audrey Serio

Diane B. Tingle  
Secretary Diane Tingle



# Minutes of the June 26, 2009 Regular Council Meeting

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*Proposed 1<sup>st</sup> Reading – June 26, 2009*

Chapter 127-7H – (Sanitation):

Existing:

- H. Any business which continuously uses more than five containers of trash, rubbish or garbage shall be required to place its trash, rubbish or garbage in a one- or two-ton dumpster provided by the owner. All dumpsters shall have tight-fitting lids and be kept closed except when filling and emptying and shall be watertight to prevent leakage. All dumpsters shall be situated on a paved area at least of equal size as the dumpster and shall not be less than 10 feet from any neighboring or adjacent property line.

Add:

- (1) Dumpsters shall be screened from public view on all sides by (a) wall or walls of a principal and/or accessory structure, (b) a single opaque wall, fencing including but not limited to chain link fencing with woven slats, or a combination of these materials, and (c) a gate on one side. The screening and gate shall not exceed a height of six feet. Gates shall remain closed except when pick up occurs. Existing businesses shall comply with this screening requirement no later than August 1, 2011, being twenty-four months from enactment of this ordinance; businesses that commence operations after the enactment of this amendment shall comply immediately.

# Minutes of the June 26, 2009 Regular Council Meeting

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## Agnes at Fenwick Island.org

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From: Scott Fornwalt [scottsmall@splus.net]  
Sent: Thursday, June 25, 2009 1:52 PM  
To: agnesd@fenwickisland.org  
Subject: Town council meeting dumpster fence issue

Please read this during the discussion on the dumpster fence ordinance.

Dear Mayor, council and residents of the town of Fenwick Island,

It has come to my attention that the council will be addressing an ordinance requiring a fence surrounding dumpsters in the commercial zone. I understand that it is the desire of the sponsors to beautify the back of commercial buildings and hide the dumpsters with a

6 foot fence. I would like to register my opposition to such a requirement for the following reasons:

1-The commercial zone has been in existence for over 50 years most of the buildings have been there with their dumpsters for over 25. Adding a fence requirement is indicative of one or more individuals with too much time on their hands looking for something to do. Everyone loves it when their neighbor keeps their lawn manicured or keeps their flower garden weeded and their house painted. In our society its not a requirement to do this and should never become one. Beauty is in the eye of the beholder and you can't legislate good taste. I strongly oppose those who move in next door to an existing condition and then demand that it be changed to suit them.

2- In these times it is an economic burden. The owners of these business are struggling to make ends meet and we don't need another expense.

3- A six foot tall fence will leave almost 2 foot of dumpster exposed over the top. For the cost, the effect would be minimal. The back of the shopping center is still in view.

4- We have our dumpster picked up 3 times per week. The most any company will pick up. We have the largest dumpsters available and the most number of cans our area will allow with out taking away parking. We fill those dumpsters to the brim and require a platform and ramp to get trash top the top of the dumpster to dump it over the top. This would cause an enormous fence to enclose it. My question to the beautification committee is, "When the fence gets old, the boards get broken from the trucks running into it, what law will you pass to replace the eyesore you created." In other words in just a few short years the fence could look just as bad as what it is trying to hide.

5-In a tight area with dumpsters wedged into a small enclosure, garbage can get trapped behind the dumpster and cause serious rodent and odor problems. The trash removal companies work early in the morning and the driver won't get out of the truck to clean up spills. Be careful what you wish for you just might get it.

6- Dumpster companies need room to remove the dumpster to dump it. The fence and gates may prohibit the use of dumpsters in certain areas.

Believe me a dumpster is much better than a dozen trash cans. Its a lot cleaner.

I don't think that you have thought your ordinance though sufficiently.

You have not anticipated the problems nor does them seem to be sufficient regard for the cost versus the effect of the outcome. I wish I could be there to help with this process, but I must be with my business.

Having said all this, I am all for making this a beautiful town.

Encouraging business on a one to one basis with custom ideas may be more palatable to each business. Tax breaks and incentives are much more palatable than ramming a law down someones throat.

Scott Fornwalt, owner  
Fenwick Crabhouse



# Minutes of the June 26, 2009 Regular Council Meeting

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First Reading: May 29, 2009  
Proposed Second Reading: June 26, 2009  
PASSED: June 26, 2009

## ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF THE TOWN OF FENWICK ISLAND, DELAWARE, TO AMEND THE CERTIFICATE FOR CANDIDATES FOR NOMINATION, § 13-5.

WHEREAS, it has come to the attention of the Town Council that there are contradictions within Chapter 13 relating to registration and the certificates required of nominees; and

WHEREAS, the Town Council has determined that it is in the best interests of the citizens of the Town to clarify and correct the certificates for candidates to conform with the Charter and registration requirements of the Town Code.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fenwick Island, in session met, a quorum pertaining at all times thereto, that the Code of the Town of Fenwick Island be and is hereby amended by striking Sections 13-5. A. (1 and (2) in their entirety and substituting in lieu thereof the following:

13-5. Candidates. *[Note: the italicized wording will remain unchanged; Strikeouts are shown by a line through and additions by underlining].*

A. *Certificate to be filed by nominees for Town Council.*

*Every person who places his/her name in nomination or whose name is placed in nomination for the office of Town Councilman shall execute and submit to the Board of Elections or its designee at the time of such filing, but in no event later than three (3) days after the deadline date for filing such nominations, the following certificate of eligibility to serve on the Town Council of Fenwick Island, Delaware:*

### NOMINEE'S CERTIFICATE OF ELIGIBILITY TO SERVE ON THE TOWN COUNCIL OF FENWICK ISLAND, DELAWARE

*Fill out statement (1) or (2) below, whichever is applicable to you.*

(1) As a resident:

I \_\_\_\_\_, (Name) of  
\_\_\_\_\_, Fenwick Island, DE 19944, a  
nominee for election to the Town Council of Fenwick Island, hereby state  
that I am a natural person, a citizen of the United States, a resident of the  
Town of Fenwick Island, Delaware, since \_\_\_\_\_ [date], and am

## Minutes of the June 26, 2009 Regular Council Meeting

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or will be twenty-one (21) years of age on or before the date of the election, I have no other voting residency for municipal elections and that I have been qualified to vote in the Town of Fenwick Island, Delaware, for at least one year prior to the election for which I am nominated. I am registered to vote pursuant to Town regulations.

~~have completed a Fenwick Island registration form by the last Friday before the last Saturday of January of this year declaring that I was then a resident of the Town of Fenwick Island, Delaware.~~

Signed and certified on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Nominee)

State of \_\_\_\_\_  
County of \_\_\_\_\_

Be it remembered, that on the day and year aforesaid \_\_\_\_\_ (Name), personally appeared before me, a Notary Public of the aforesaid State and County, and acknowledged that the above signature was his/her act and deed.

\_\_\_\_\_  
(Notary Public) (Seal)

My Commission Expires: \_\_\_\_\_

- (2) As a non-resident property owner:

I \_\_\_\_\_, [Name] of \_\_\_\_\_, [Address], a nominee for election to the Town Council of Fenwick Island, hereby state that that I am a natural person, a citizen of the United States, a property owner in the Town of Fenwick Island, Delaware, and am or will be twenty-one (21) years of age on or before the date of the election, and that I have been qualified to vote in the Town of Fenwick Island, Delaware, for at least one year prior to the election for which I am nominated. I am base my claim of being a freeholder of property located in the Town of Fenwick Island, Delaware, as shown on Map No. \_\_\_\_\_, Parcel No. \_\_\_\_\_, and Lot No(s). \_\_\_\_\_, on in the latest Sussex County Assessment Office in my name. I am registered to vote pursuant to Town regulations.

Signed and certified on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Nominee)



## Minutes of the June 26, 2009 Regular Council Meeting

---

State of \_\_\_\_\_  
County of \_\_\_\_\_

Be it remembered, that on the \_\_\_\_\_ day and year aforesaid  
\_\_\_\_\_, (Name), personally appeared  
before me, a Notary Public of the aforesaid State and County, and  
acknowledged that the above signature was his/her act and deed.

\_\_\_\_\_, (Seal)  
(Notary Public)  
My Commission Expires: \_\_\_\_\_

I, \_\_\_\_\_, Secretary of the Town Council of the Town of  
Fenwick Island, do hereby certify that the foregoing is a true and correct copy of an  
ordinance adopted by the Mayor and Town Council at its meeting on the \_\_\_\_\_ day of  
\_\_\_\_\_, A.D. 2009, at which a quorum was present and voting throughout  
and that the same is still in full force and effect.

\_\_\_\_\_  
Secretary

*Posted: June 29, 2009*

**TOWN OF FENWICK ISLAND**  
**FINANCIAL STATEMENT**  
**FOR THE PERIODS ENDED JUNE 30, 2009**



# *Jefferson, Urian, Doane & Sterner, P.A.*

A PROFESSIONAL CORPORATION • CERTIFIED PUBLIC ACCOUNTANTS

DAVID R. URIAN, CPA  
DAVID C. DOANE, CPA  
CHARLES H. STERNER, JR. CPA, CVA  
SHELDON L. FORNEY, CPA  
JAY M. STEVENS, CPA, PFS  
ROGER R. REED, CPA  
ELAINE E. GRAVES, CPA

TRUITT W. JEFFERSON, CPA, DIRECTOR  
RETIRED

ANITA Y. SMITH, MEd, DIRECTOR  
BRYAN L. HUDSON, CPA, DIRECTOR

To the Town Council  
Town of Fenwick Island  
Fenwick Island, Delaware

We have compiled the accompanying statement of revenues and expenditures - budget and actual - general fund of the Town of Fenwick Island for the periods ended June 30, 2009 in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The financial statements have been prepared on the modified cash basis of accounting.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared on the modified cash basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Town's revenues and expenditures. Accordingly, these financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to the Town of Fenwick Island.

*Jefferson, Urian, Doane & Sterner, P.A.*

Ocean View, Delaware  
July 14, 2009

## TOWN OF FENWICK ISLAND

- 2 -

STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL - GENERAL FUND  
FOR THE PERIODS ENDED JUNE 30, 2009

	Actual June 09	Actual Aug - June 09	Budget	% of Budget
<b>Revenues</b>				
<b>Taxes</b>				
Property Taxes	\$ -	\$ 620,522	\$ 625,000	99%
Realty Transfer Tax	-	249,756	-	100%
Rental Receipt Tax	5,920	247,555	262,000	94%
Prior Year Revenue in Excess of Expense	-	-	169,000	0%
<b>Total Taxes</b>	<b>5,920</b>	<b>1,117,833</b>	<b>1,056,000</b>	<b>106%</b>
<b>Charges for Services - Administration</b>				
License Fees - Contractors	562	34,895	35,000	100%
License Fees - Rentals	1,320	20,592	22,500	92%
License Fees - Merchants	181	24,185	25,000	97%
Ambulance Service Fee	-	29,832	26,730	112%
Garbage Collection Fees	-	123,254	121,000	102%
Comcast Cable Fees	-	24,484	32,000	77%
Building Permit Fees	1,075	27,475	100,000	27%
<b>Total Charges for Services - Administration</b>	<b>3,138</b>	<b>284,717</b>	<b>362,230</b>	<b>79%</b>
<b>Fines &amp; Forfeitures</b>				
Tax Penalties	320	2,594	3,000	86%
Traffic Fines	2,801	33,948	35,000	97%
Parking Violation Fees	1,595	13,711	20,000	69%
<b>Total Fines &amp; Forfeitures</b>	<b>4,716</b>	<b>50,253</b>	<b>58,000</b>	<b>87%</b>
<b>Investments</b>				
Interest	37	7,303	18,168	40%
<b>Total Investments Income</b>	<b>37</b>	<b>7,303</b>	<b>18,168</b>	<b>40%</b>
<b>Miscellaneous Revenue - Administration</b>				
Parking Permits	2,050	10,940	20,000	55%
Sale of Equipment	5	2,065	5,000	41%
Insurance Reimbursements	-	11,391	-	100%
Miscellaneous Income	676	5,213	-	100%
<b>Total Miscellaneous Revenue - Administration</b>	<b>2,731</b>	<b>29,609</b>	<b>25,000</b>	<b>118%</b>
<b>Miscellaneous Revenue - Police</b>				
Police Accident Report Fee	25	175	-	100%
<b>Total Miscellaneous Revenue - Police</b>	<b>25</b>	<b>175</b>	<b>-</b>	<b>100%</b>
<b>Intergovernmental Revenue Lifeguard</b>				
State Beach Lifeguard Revenue	18,000	36,000	65,000	55%
<b>Total Intergovernmental Revenue Lifeguard</b>	<b>18,000</b>	<b>36,000</b>	<b>65,000</b>	<b>55%</b>
<b>Intergovernmental Revenue Police</b>				
County Police Grant	-	25,000	25,000	100%
Salary Reimbursement	-	4,729	13,000	100%
DEMA Homeland Security Grant	-	-	-	0%
<b>Total Intergovernmental Revenue Police</b>	<b>-</b>	<b>29,729</b>	<b>38,000</b>	<b>78%</b>
<b>Total Revenues</b>	<b>\$ 34,567</b>	<b>\$ 1,555,619</b>	<b>\$ 1,622,398</b>	<b>96%</b>

See accountants' report.

## TOWN OF FENWICK ISLAND

- 3 -

## STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL - GENERAL FUND

- CONTINUED

FOR THE PERIODS ENDED JUNE 30, 2009

	Actual June 09	Actual Aug - June 09	Budget	% of Budget
<b>Expenditures</b>				
<b>POLICE DEPARTMENT</b>				
Police Salaries	\$ 18,602	\$ 236,368	\$ 300,000	79%
Police Life Insurance	95	1,151	1,250	92%
Police Health Insurance	4,113	44,266	72,000	61%
Police Payroll Taxes	1,743	21,649	24,000	90%
Police Pension Expense				
Police - State Pension Payments	-	(43,246)	(36,000)	120%
Police Pension Expense	2,340	54,443	36,000	151%
Police Pension Expense - Net	2,340	11,197	-	100%
Police Workers Compensation	-	22,360	21,000	106%
Police Supplies	-	1,690	1,000	169%
Police Office Equipment Maintenance	374	3,343	5,000	67%
Police Printing & Advertising	-	1,417	2,000	71%
Police Uniforms	97	4,462	5,000	89%
Police Computers	249	2,728	4,000	68%
Police Vehicle Maintenance	18	3,259	5,000	65%
Police Gas & Oil	728	10,368	18,000	58%
Police Vehicle Acquisition	-	25,226	25,000	101%
Police Training	241	2,847	3,000	95%
<b>TOTAL POLICE DEPARTMENT</b>	<b>\$ 28,600</b>	<b>\$ 392,331</b>	<b>\$ 486,250</b>	<b>81%</b>

See accountants' report.



## TOWN OF FENWICK ISLAND

- 4 -

## STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL - GENERAL FUND

- CONTINUED

FOR THE PERIODS ENDED JUNE 30, 2009

	Actual June 09	Actual Aug - June 09	Budget	% of Budget
Expenditures				
LIFEGUARDS				
Lifeguard Salaries				
Lifeguard Salaries - State	\$ 12,592	\$ 32,249	\$ -	100%
Lifeguard Salaries - Town	20,736	67,951	180,000	38%
Total Lifeguard Salaries	33,328	100,200	180,000	56%
Lifeguard Payroll Taxes				
Lifeguard Payroll Taxes - State	1,137	2,761	-	100%
Lifeguard Payroll Taxes - Town	1,894	5,805	14,400	40%
Total Lifeguard Payroll Taxes	3,031	8,566	14,400	59%
Lifeguard Workman's Comp	-	10,248	14,418	71%
Lifeguard Supplies & Equipment	-	2,710	3,000	90%
Lifeguard Uniforms	157	5,917	6,000	99%
Lifeguard Junior Guards	(1,472)	(2,072)	400	-518%
Lifeguard Chair & Sign Maintenance	-	745	500	149%
Lifeguard Training	210	312	500	62%
Lifeguard USLA Certification	600	600	900	67%
Lifeguard Gasoline	32	177	200	89%
Lifeguard Miscellaneous	325	385	500	77%
Lifeguard Capital Expenditures	1,350	850	-	100%
TOTAL LIFEGUARDS	\$ 37,561	\$ 128,638	\$ 220,818	58%

See accountants' report.

## TOWN OF FENWICK ISLAND

- 5 -

## STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL - GENERAL FUND

- CONTINUED

FOR THE PERIODS ENDED JUNE 30, 2009

	Actual June 09	Actual Aug - June 09	Budget	% of Budget
<b>Expenditures</b>				
<b>PUBLIC WORKS DEPARTMENT</b>				
Public Works Salaries	\$ 11,506	\$ 130,507	\$ 150,000	87%
Public Works Life Insurance	62	740	800	93%
Public Works Health Insurance	2,771	27,499	32,000	86%
Public Works Payroll Taxes	1,073	11,195	12,000	93%
Public Works Pension Expense	1,052	11,322	13,000	87%
Public Works Workman's Comp Insurance	-	12,112	12,500	97%
Public Works Training	-	489	1,500	33%
Public Works Office Supplies	-	16	500	3%
Public Works Shop Supplies	84	1,087	2,500	43%
Public Works Shop Equipment	-	667	2,000	33%
Public Works Safety Equipment	-	398	-	100%
Public Works Printing & Advertising	-	-	700	0%
Public Works Utilities	113	3,906	5,000	78%
Public Works Bldg Maintenance	-	177	1,000	18%
Public Works Uniforms	143	600	1,500	40%
Public Works Gas & Oil	169	3,008	8,000	38%
Public Works Repairs & Maintenance	35	1,578	3,000	53%
Public Works Landfill Charges	620	(2,520)	-	100%
Public Works Miscellaneous Expense	-	39	500	8%
Public Works CDL Testing	90	538	1,000	54%
<b>TOTAL PUBLIC WORKS DEPARTMENT</b>	<b>\$ 17,718</b>	<b>\$ 203,358</b>	<b>\$ 247,500</b>	<b>82%</b>

See accountants' report.

## TOWN OF FENWICK ISLAND

- 6 -

## STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL - GENERAL FUND

- CONTINUED

FOR THE PERIODS ENDED JUNE 30, 2009

	Actual June 09	Actual Aug - June 09	Budget	% of Budget
Expenditures				
ADMINISTRATION				
Administration Salaries	\$ 12,737	\$ 147,830	\$ 175,000	84%
Administration Life Insurance	36	487	600	81%
Administration Health Insurance	3,787	31,692	42,000	75%
Administration Payroll Taxes	1,191	12,284	14,000	88%
Administration Pension Expense	578	10,760	16,000	67%
Administration Workers Comp	-	1,863	1,700	110%
Administration Financial Services	5,000	29,000	30,000	97%
Administration Office Equip Maintenance	646	10,548	8,000	132%
Administration Office Supplies	198	4,400	11,000	40%
Administration Travel Reimbursement	-	865	3,000	29%
Administration Vehicle Acquisition	358	3,942	5,000	79%
Administration Vehicle Fuel/Maintenance	479	1,157	3,000	39%
Administration Printing & Advertising	-	84	2,000	4%
Administration Training	1	746	2,000	37%
Administration Miscellaneous Expenses	-	-	-	0%
Administration Parking Permits	-	1,669	3,000	56%
Administration Capital Expenditures	-	1,415	-	100%
TOTAL ADMINISTRATION	\$ 25,011	\$ 258,742	\$ 316,300	82%

See accountants' report.



## TOWN OF FENWICK ISLAND

- 7 -

## STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL - GENERAL FUND

- CONTINUED

FOR THE PERIODS ENDED JUNE 30, 2009

	Actual June 09	Actual Aug - June 09	Budget	% of Budget
<b>Expenditures</b>				
<b>GENERAL GOVERNMENT</b>				
General Government Insurance	\$ -	\$ 60,320	\$ 65,000	93%
General Government Telephone	687	6,870	8,100	85%
General Government Website	-	107	2,500	4%
General Government Legal	4,161	12,799	30,000	43%
General Government Audit	-	8,428	8,000	105%
General Government Postage	-	2,400	6,000	40%
General Government Printing & Advertising	38	1,556	5,000	31%
General Government Utilities	1,030	13,145	14,000	94%
General Government Appraisal	4,000	4,000	5,500	73%
General Government Emergency Management	-	-	1,000	0%
General Government Ambulance Service	5,987	25,582	26,730	96%
General Government Sewer	-	460	400	115%
General Government Dues	150	759	1,500	51%
General Government Service Grants	2,000	2,000	2,500	80%
General Government Recycling	1,568	10,762	-	100%
General Government Building Maintenance	247	5,225	6,000	87%
General Government Cell Phones	332	4,064	7,000	58%
General Government Contract Services	288	4,228	10,500	40%
General Government County Fee Tax Billing	-	-	800	0%
General Government Miscellaneous	6,500	14,046	7,000	201%
General Government Employee Relations	254	3,300	4,000	83%
General Government Codification	715	4,260	5,000	85%
General Government Pension Administration	-	1,547	3,000	52%
General Government Government Liaison	755	2,539	2,500	102%
General Government Median Maintenance	-	45	4,000	1%
General Government Community Projects	483	926	2,500	37%
General Government Community Outreach	-	341	2,000	17%
General Government Trash and Recycling	9,626	105,889	121,000	88%
General Government Capital Expenditures	4,813	257,813	-	100%
<b>TOTAL GENERAL GOVERNMENT</b>	<b>43,634</b>	<b>553,411</b>	<b>351,530</b>	<b>157%</b>
<b>Total Expenditures</b>	<b>152,524</b>	<b>1,536,480</b>	<b>1,622,398</b>	<b>95%</b>
<b>EXCESS REVENUES OVER (UNDER) EXPENDITURES</b>	<b>\$ (117,957)</b>	<b>\$ 19,139</b>	<b>\$ -</b>	

See accountants' report.

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TOWN OF FENWICK ISLAND  
REALTY TRANSFER TAX FUND  
FOR THE PERIODS ENDED JUNE 30, 2009  
FYE JULY 31, 2009

<u>MONTH</u>	<u>STARTING BALANCE</u>	<u>TAXES COLLECTED</u>	<u>INTEREST</u>	<u>TRANSFERS IN</u>	<u>TRANSFERS OUT</u>	<u>ENDING BALANCE</u>
August '08	\$ 1,756,975	10,125	2,685	-		\$ 1,769,785
September '08	1,769,785	-	2,681	-	(10,000)	1,762,466
October '08	1,762,466	38,475	4,136	-	-	1,805,077
November '08	1,805,077	-	2,413	-	(249,756)	1,557,734
December '08	1,557,734	5,550	1,988	-	10,000	1,575,272
January '09	1,575,272	-	16,706	-	-	1,591,978
February '09	1,591,978	-	1,195	-	-	1,593,173
March '09	1,593,173	39,000	868	-	-	1,633,041
April '09	1,633,041	-	2,331	-	-	1,635,372
May '09	1,635,372	30,750	851	-	-	1,666,973
June '09	1,666,973	-	776	-	-	1,667,749
July '09	1,667,749			-	-	1,667,749
TOTALS	<u>\$ 1,756,975</u>	<u>123,900</u>	<u>36,630</u>	<u>-</u>	<u>(249,756)</u>	<u>\$ 1,667,749</u>



**TOWN OF FENWICK ISLAND**  
**Monthly Reconciliation Of Checking and Savings Accounts**  
**For the Periods Ended June 30, 2009**

**Checking - PNC Bank of Delaware**

	Ending	Beginning
General Fund	\$ 83,409.98	\$ 64,973.13
Petty Cash	200.00	200.00
MSA Fund	1,727.97	139.11
Payroll Fund	4,264.60	1,811.77
SALLE Fund	0.27	3.28
EIDE Drug Enforcement	3,669.50	3,672.50
Criminal Justice	126.12	126.10
Parks & Recreation Fund	337.00	250.00
SLEAF Fund	30.00	30.00

**Total Checking** \$ 93,765.44 \$ 71,205.89

**Savings - PNC Bank of Delaware**

MSA Fund Savings	\$ 8,292.16	\$ 11,289.01
General Fund Savings	90,996.19	62,421.82
Realty Transfer - Non Reserve	86,357.07	86,321.60

**Total Savings** \$ 185,645.42 \$ 160,032.43

**Total Cash** \$ 279,410.86 \$ 231,238.32

**INVESTMENTS**

**Wilmington Trust Company - DELGIP**

General Fund Savings	\$ 330,727.13	\$ 480,652.63
Beach Replenishment	35,346.80	35,341.32
Realty Transfer Non Reserve	567,679.54	567,591.56
Realty Transfer Reserve	315,261.46	315,212.60

**Certificates of Deposit and Other Investments**

**Realty Transfer Fund**

WTC 6 Month CD @ 1.35%	347,002.76	347,002.76
PNC 13 Month CD @ 2.8%	175,821.08	175,483.36
Edward Jones Investments - CD's	175,626.31	175,360.43

**Total Investments** \$ 1,947,465.08 \$ 2,096,644.66

**Total Cash & Investments** \$ 2,226,875.94 \$ 2,327,882.98

**RESERVE ACCOUNTS**

Parks & Recreation	\$ 1,479.03	\$ 1,479.03
Compensated Absences	19,205.32	19,148.47
Police Pension	-	-

**TOWN OF FENWICK ISLAND  
BUILDING REPORT  
JUNE 2009**

PERMIT #	PROPERTY DESCRIPTION	PROJECT DESCRIPTION	E.C.C.	TOTAL
3771	Twins Enterprises A. Powderly 903 Schulz Road Lot 425 1-34 23.16 30.00	Replace outdoor shower & shed, install electric & water at bulkhead	\$7,000.00	\$210.00
3772	J & Bulkheading C. Sherman 1406 Bora Bora St. Lots 179/180 1-34 23.12 130.00	Install davit	\$1,200.00	\$50.00
3773	D-N-R Construction G. Henicle 1002 Schulz Road Lot 445 1-34 23.16 2.01	Re-shingle roof	\$7,000.00	\$210.00
3774	Phil Ludlum A. Beattie 1607 Bunting Avenue Lot 4 1-34 23.08 40.00	Remodel bathroom & kitchen	\$3,500.00	\$105.00
3775	J & J Bulkheading C. Sherman 1406 Bora Bora Street Lots 170/180 1-34 23.12 130.00	8'x40' ground level walkway	\$1,500.00	\$50.00
3776	C. Johnson M. Motes 11 W. Virginia Ave. Lot 6 1-34 23.20 48.13	Replace existing front & side outdoor stairs; enlarge and replace existing rear deck	\$7,000.00	\$210.00
3777	M. Welch 43 W. Essex St. Lot 533 1-34 23.12 33.00	Replace 8 windows	\$2,000.00	\$60.00
3778	D. Foster 1311 Bunting Avenue Lot 6 1-34 23.12 203.00	Replace screen on deck with sliding glass doors	\$3,300.00	\$99.00
3779	J. Balsamo 1100 Coastal Highway Lots 50/51/52 1-34 23.12 67.00	Re-shingle roof	\$5,500.00	\$165.00
		<b>TOTAL</b>	<b>\$38,000.00</b>	<b>\$1,159.00</b>

## PUBLIC WORKS DEPARTMENT REPORT

June 9,2009 to July 8, 2009

The following activities have been performed by the Public Works Department for this time period.

- Drainage, shoulder, sign, and post work was performed throughout this time frame.
- Routine maintenance of buildings, equipment, grounds and median was performed during this time frame.
- Cut and trim grass in right of way and park.
- All streets have been broomed.
- Order, receive, and install two bricks in park walk.
- Cut out and install two small road patches E. Cannon Street along shoulder.
- Cut out and install one small road patch E. Dagsboro Street along shoulder.
- Repair Farmington Ext. rock end
- Reset 4 stop signs after artesian put new water valves in.
- Heavy trash and appliance pickup
- Safety meeting 6-10-09 stay current on electrical hazards and general truck driving
- Take and return lifeguard ATV to Salisbury for appraisal
- Assist HAVC man with spring check up of 3 HAVC systems and moving of one thermostat.
- Install 3 feet x 6 feet French drain on Bunting Ave. between E. Farmington St. and E. Essex St.
- Weed control through out town right of way.
- Clean and check ropes on all beach trash barrels.



- Did one half ( parking side ) of Lewes Street beach end with stone dust will do other half of Lewes Street beach end with stone dust after construction is finished on the no parking side.
- Install lifeguard stand sign on lifeguard stand for Lewes Street beach end and put lifeguard stand at beach dune for lifeguards.
- Water town flower pots throughout town.
- Lightly trim bushes around town hall and in park.

Respectfully submitted,

Wilmer E. Abbott IV  
Town Manager

FENWICK ISLAND POLICE DEPARTMENT

MEMORANDUM

TO: PRESIDENT  
COUNCIL MEMBERS  
CITIZENS

FROM: Chief William Boyden

DATE: July 15, 2009

SUBJECT: MONTHLY REPORT

Attached you will find the Police Report for the month of June 2009.  
The report is submitted for your review and approval.

Summary of report:

	2009	2008
Traffic Arrests/Citations	163	168
Total Number of Complaints	43	43
DUI Arrests	0	2
Criminal Arrests	2	5
Parking Tickets	45	71

TO: Fenwick Island Town Council  
FROM: Winnie Lewis, Chair , Planning Commission

A joint meeting of the Planning Commission and the Cultural and Historic Preservation Subcommittee met on Tuesday July 14, 2009

- Members continue to finalize Old Fenwick Island Days activities
- No meeting in August. September meeting will evaluate the program and begin discussions on research, inventory of properties, oral histories and methods of recording/storing.
- A special joint meeting will be held on 7/31 09 @1PM to put up displays and to finalize plans.

Respectfully Submitted,

Winnie Lewis  
WL/adip

**Chapter 160 – Zoning:**

**Add:**

**Chapter 160-2B (Definitions and Word Use):**

**SMALL WIND ENERGY SYSTEM:** A wind energy conversion system consisting of a wind turbine (rotor, blades, generator, alternator, tail), a tower, and associated control or conversion electronics, and which is intended primarily to reduce on-site consumption of utility power.

**TOTAL HEIGHT (SMALL WIND ENERGY SYSTEM):** The distance measured from ground level (including the wind turbine itself) to a rotating turbine or blade tip at its highest point of travel.

**Add:**

**Chapter 160-7 – Renewable Energy Systems:**

**B. Small Wind Energy Systems - Tower**

**1. Provisions, regulations and conditions for small wind energy systems are as follows:**

- a. **Maximum Rated Capacity:** No more than one tower-mounted small wind energy system may be placed on a property and may not exceed 10 kilowatts of production.
- b. **Minimum Yard Requirement:** The base of the tower shall be set back from all property lines, public rights-of-way, and public utility lines a distance equal to 1.1 times the total height. A turbine may be located at a property line by variance from the Board of Adjustment which shall consider whether the abutting property owner objects.
- c. **Total Height:** Total height (including the wind turbine itself) shall not exceed 40 feet above grade and tower shall be independent of any other structures on property.
- d. **Noise:** Sound produced by the system under normal operating conditions, as measured at the property line, shall not exceed fifty-five (55) dBA. Manufacturer's specifications will serve as verification of dBA levels. Any complaints that noise from the small wind energy system exceeds 55 dBA shall be accompanied by an independent certified source. This sound level may be exceeded during short-term events such as utility outages and/or severe windstorms.
- e. **Appearance:** Wind turbines shall be painted in a non-obtrusive color such as the manufacturer's default color option.
- f. **Compliance with Building Code:** System must obtain a building permit and must comply with applicable requirements of the International Building Code.
- g. **Inspections:** A final inspection by Sussex County Building Code Official of the installation, including an electrical inspection, is required before a system may be activated.
- h. **Requirement for Engineered Drawings:** Building permit applications for small wind energy systems shall be accompanied by standard drawings of the system and stamped engineered drawing of the tower, base, footings, and/or foundation (with consideration



given to specific soil conditions) as provided by the manufacturer. A manufacturer's specification sheet including a photograph of the system shall accompany the application for the building permit.

- i. **Compliance with Federal Aviation Administration Regulations:** Small wind energy systems shall comply with FAA regulations described in FAR Part 77 of the FAA guidance on airspace protection.
- j. **Compliance with National Electric Code:** Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. Wiring and power lines shall be wireless or underground whenever possible.
- k. **Unsafe or Abandoned Systems:** If a system is found to be unsafe by the Building Official, the system must be repaired and made code compliant within 30 days of notification of the property owner. A system that is unused or abandoned for a period of more than 12 months shall be ordered by the Building Official to be made operational or removed within 30 days of such order.
- l. **Signage:** No signs or advertising shall be displaced on any part of a system other than the manufacturer or installer's identification and appropriate safety warning signs.
- m. **Lighting:** No illumination of the system shall be permitted unless required by the FAA, or unless the tower is also used for street or parking lot lighting, or some similar compatible use.
- n. **Safety:** Any steps or other devices to assist the climbing of the tower must start at 12' above ground level. No portion of a wind turbine may be closer to ground level than 12'.

**EXISTING:**

**§ 73-2. Issuance of permits; deposit.**

- B. The Chief of Police shall require a deposit of \$50 before issuing a permit for a bonfire on the beach, with the provision that \$40 shall be returned if the general area of the beach where the bonfire was held is satisfactorily cleaned and restored, and \$10 shall be retained as a permit fee.

**§ 73-3. Rules for Bonfire:**

- H. The beach must look as though you were never there. Thoroughly clean area and remove any trash or other debris. Remember to leave only your footprints.

**§ 73-4. Violations and penalties**

Any person violating the provisions of this chapter shall be fined \$50 and costs for each and every offense.

**PROPOSED:**

**§ 73-2. Issuance of permits; deposit.**

- B. The Chief of Police shall require a deposit before issuing a permit for a bonfire on the beach with the provision that it shall be returned only if the general area of the beach where the bonfire was held is satisfactorily cleaned and restored. In addition, the bonfire permit holder shall pay a fee and deposit to the Town as set by resolution of the Town Council passed annually.

**§ 73-3. Rules for Bonfire:**

- H. Thoroughly clean area and remove any trash or other debris.

**§ 73-4. Violations and penalties**

Any person violating the provisions of this chapter shall be fined \$100 and costs for each and every offense.

Charter – Section 15:

Existing:

Section 15 – Vacancy.

In case of vacancy created in the Town Council, by death, resignation or otherwise, the remaining members of the Council may fill such vacancy by appointment. The person so appointed shall serve for the unexpired term or until his or her successor shall be elected and duly qualified.

Proposed:

Section 15 – Vacancies and Forfeitures:

- A. Vacancies. The office of a Town Council member shall become vacant upon death, incapacity, resignation or forfeiture of such office.
- B. Forfeiture proceedings. A forfeiture of such office shall occur when any Town Council member:
  - (1) Is no longer qualified to hold such office;
  - (2) Willfully violates any provision of this Charter;
  - (3) Is convicted of any felony or crime involving any felony; or
  - (4) Fails to attend four (4) consecutive regular Town Council meetings without being excused by Town Council vote.
- C. Determination concerning Forfeiture. Where the conditions set forth in Section 15 (B), items (3) or (4) occur, forfeiture shall be automatic. Where the conditions set forth in 15 (B), items (1) or (2) are alleged, forfeiture shall be approved by the remaining Town Council members. Such decision shall be made in executive session, and if the Town Council determines by majority vote that a forfeiture has occurred, it shall, within forty eight (48) hours thereafter, provide written notice thereof to the affected Town Council member, by certified mail, return receipt requested, sufficiently posted. Written notice shall be deemed provided when deposited in first-class mail with sufficient postage. The affected member shall be entitled to a hearing and then shall have thirty (30) days in which to make a written request for a public hearing before the Town Council, which hearing is to be held within forty five (45) days of the written request and at which hearing such member may appear with the assistance of counsel and present evidence to relevant issues. The Town Council shall also hear any other relevant evidence and vote again on the question of forfeiture. A determination of forfeiture shall be made only by unanimous vote of the Town Council members present and entitled to vote on the question.
- D. Failure to Request Hearing as a Bar. Failure of the affected member to make written request for a public hearing as hereinabove stated shall be an absolute bar to his or her right to challenge the town Council's decision. If a public hearing is held, the Town Council shall have authority to subpoena witnesses, administer oaths, take testimony, and require the production of documentary or physical evidence, all of which shall be done on behalf of the affected person if requested, in writing, by him/her."